

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ELYSEE BRESILLA,

Petitioner,

v.

LISA A. MITCHELL,

Respondent.

No. 16-cv-10755-NMG

**REPORT AND RECOMMENDATION REGARDING PETITION FOR WRIT
OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2254 (Dkt. No. 1)**

Cabell, U.S.M.J.

I. INTRODUCTION

Petitioner Elysee Bresilla is currently serving a sentence of life without parole following his conviction in the Middlesex County Superior Court on charges of first degree murder and unlawful firearm possession. Proceeding pro se, Bresilla petitions for habeas relief pursuant to 28 U.S.C. § 2254, primarily on the ground that several pieces of identification evidence that were admitted at trial were obtained through the use of unnecessarily suggestive procedures that violated his Fourteenth Amendment due process rights. (Dkt. No. 1). The matter has been referred to this court for a Report and Recommendation. After careful consideration, I recommend that the petition be DENIED.

After consideration of respondent's "statement of issue presented" (Docket No. 44) which is treated as objections thereto, Report and Recommendation is accepted and adopted, including the recommendation to deny a certificate of appealability.
SMBorton, USDJ 6/13/19